

State of California
Regional Water Quality Control Board
San Diego Region

**SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
August 13, 2003**

ITEM: 17

SUBJECT: Settlement of Potential liability against Shea Homes for violation of SWRCB Order No. 99 08 DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with the Kelly Core construction site located at Cannon Road and Faraday Avenue, Carlsbad in San Diego County. The Regional Board will consider accepting a proposed settlement for the liability in lieu of adopting an ACL. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0253) (*Vicente Rodriguez*)

PUBLIC NOTICE: On June 30, 2003, the public was informed of the proposed settlement of complaint for Administrative Civil Liability by publishing a notice of public hearing in the San Diego Union-Tribune, North County Times, and posting the notice on the Regional Board web site, **see Supporting Document No. 6 for the text used.** The written public comment ended on July 30, 2003 and the public comment period ends at the Regional Board meeting, August 13, 2003.

DISCUSSION: **There are changes in the tentative resolution. The main change is clarifying that funding the Agua Hedionda Lagoon Foundation is an adequate SEP. Please see the redline/strikeout in Supporting Document No. 7 for the changes.**

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS: (6) **Public Notice published June 30, 2003**
(7) **Modified Tentative Resolution No. R9-2003-0253**

RECOMMENDATION: Staff recommends adoption of tentative Resolution No. R9-2003-0253.